

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILEY GILL, et al.,
Plaintiffs,

v.

DEPARTMENT OF JUSTICE, et al.,
Defendants.

Case No. [14-cv-03120-RS](#)

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE AND
DIRECTING SUPPLEMENTAL FILING**

The order denying plaintiff's special motion for leave to conduct discovery invited, but did not require, the parties to file a supplemental case management conference statement. Because the parties' prior statements had not set out a proposed schedule for cross-summary judgment motions, such a schedule should have been expressly solicited. Accordingly, the Case Management Conference is hereby continued to September 3, 2015. No later than Noon on September 2, 2015, the parties shall file a further supplemental statement proposing a briefing schedule and page limits. The parties are advised that absent exceptional circumstances, cross-motions for summary judgment should be presented in a four brief format—i.e., 1) Party A's opening brief; 2) Party B's opposition and cross-brief; 3) A's reply and opposition, and 4) B's reply.


If plaintiffs intend to amend their complaint, the proposed schedule should also address that issue. In the joint statement filed on August 21, 2015, plaintiffs suggest that discovery may be warranted regarding certain alleged recent events involving one of the plaintiffs. The only

1 subject area plaintiffs identify as potentially requiring discovery, however, is the issue of standing.

2 Defendants' challenge to standing at the pleading stage was rejected. It is contemplated
3 that the cross-motions for summary judgment referred to above will be limited to review on the
4 administrative record of the propriety of the challenged agency actions. Because defendants have
5 not proposed that any discovery go forward in advance of those motions, it is unclear how they
6 would advance a challenge to standing that differed from what they presented in the motion to
7 dismiss. In the event defendants nevertheless elect to include a further standing challenge as part
8 of their motion, plaintiffs should respond based on such evidence and arguments as they presently
9 possess, and if they deem it necessary, also seek relief under Rule 56(d).

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12 **IT IS SO ORDERED.**

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14 Dated: August 25, 2015

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17 RICHARD SEEBORG
18 United States District Judge
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